

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,	:	APPEAL NOS. C-100628
		C-100636
Plaintiff-Appellee,	:	TRIAL NO. B-1004033
vs.	:	
		<i>JUDGMENT ENTRY.</i>
CLIFTON PIERSON,	:	
Defendant-Appellant.	:	

We consider these appeals on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

In these consolidated appeals, defendant-appellant Clifton Pierson challenges the conviction entered upon his guilty plea to having weapons under a disability, a third-degree felony.² The trial court imposed the agreed sentence of one years' incarceration.

At the plea hearing, the state reported that, on June 20, 2010, Pierson had knowingly acquired, had, carried or used a firearm, knowing that in 2002 he had been convicted of possession of drugs, and that the disability from his conviction had not been removed.

Pursuant to *Anders v. California*³ and its progeny,⁴ Pierson's appointed appellate counsel has advised this court in a no-error brief that, after a thorough review of the

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 11.1.1.

² R.C. 2923.13(A)(3).

³ (1967), 386 U.S. 738, 87 S.Ct. 1396.

⁴ *Freels v. Hills* (C.A.6, 1988), 843 F.2d 958; *In re Booker* (1999), 133 Ohio App.3d 387, 728 N.E.2d 405; *State v. Williams*, 183 Ohio App.3d 757, 2009-Ohio-4389, 918 N.E.2d 1043.

record, he has concluded that these appeals are frivolous. Appellate counsel has communicated his conclusion to Pierson, who has responded by forwarding to counsel his arguments in support of the appeals. Appellate counsel has moved this court for permission to withdraw as counsel.⁵

Counsel now requests that this court independently examine the record to determine whether the appeals are wholly frivolous.⁶ We have done so, and we concur in counsel's conclusion that the proceedings below were free of prejudicial error. We, therefore, overrule counsel's motion to withdraw from his representation of Pierson and affirm the judgment of the trial court.

Although we hold that these appeals are frivolous under App.R. 23 and without "reasonable cause" under R.C. 2505.35, we refrain from taxing costs and expenses against Pierson because he is clearly indigent.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27.

SUNDERMANN, P.J., HENDON and CUNNINGHAM, JJ.

To the Clerk:

Enter upon the Journal of the Court on June 8, 2011

per order of the Court _____.
Presiding Judge

⁵ See *Anders* at 744.

⁶ See *id.*